

LENTO LAW OFFICES

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Counsel for Edwin Ruiz

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA (PHILADELPHIA)

TO: UNITED STATES ATTORNEY, PLAINTIFF, AND ZANE DAVID MEMEGER,
UNITED STATES ATTORNEY, EASTERN DISTRICT OF PENNSYLVANIA
(PHILADELPHIA), AND ASSISTANT UNITED STATES ATTORNEY, LOUIS D. LAPPEN;

PLEASE TAKE NOTE that defendant, EDWIN RUIZ, hereby files this Notice of Motion and Motion for early termination of his term of supervised release. This motion is based on Section 3583 of Title 18 of the United States Code, and the following memorandum of points and authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION

On March 4, 1999, Edwin Ruiz was sentenced to one hundred sixty eight months incarceration for violating 21 U.S.C. § 841(a)(1), Possession of a cocaine base with intent to distribute, and 21 U.S.C. § 860, Possession of a cocaine base in a school zone with intent to distribute.

No later than March 4 2008, Mr. Ruiz's case was reviewed by the Eastern District of Pennsylvania screening committee in order to determine if his case was potentially eligible for a sentence reduction under the retroactive guideline amendments. The screening committee was in agreement that the amendment applied to Mr. Ruiz's case. Mr. Ruiz's release date based on the original sentence was June 4, 2010. After the reduction from an offense level of 34 to 32, Mr. Ruiz was eligible for immediate release, and was in fact released from federal custody on March 4, 2008, to serve (10) years of supervised release.

Mr. Ruiz has successfully completed his term of incarceration, as well as sixty-two months of his supervised release period, which would normally expire in March 2018. Based on his successful performance on supervised release, Mr. Ruiz hereby moves the Court for entry of an order terminating his supervised release.

ARGUMENT

Under 18 U.S.C. Section 3583(e), the Court has the authority to grant early termination of a previously imposed term of supervised release. Section 3583(e)(1) provides:

- (e) Modification of conditions or revocation. The court may, after considering the factors set forth in Section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)
 - (1) terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure

relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice.

18 U.S.C. § 3583(e)(1); see also Fed. R. Crim. Procedure 32.1(c)(1), (2)(B) & (C) (providing for hearings for modifications of supervised release, unless the result is favorable to the person supervised and the government does not object after notice).

On March 4, 1999, Edwin Ruiz was sentenced to one hundred sixty eight months incarceration for violating 21 U.S.C. § 841(a)(1), Possession of a cocaine base with intent to distribute, and 21 U.S.C. § 860, Possession of a cocaine base in a school zone with intent to distribute.

No later than March 4 2008, Mr. Ruiz's case was reviewed by the Eastern District of Pennsylvania screening committee in order to determine if his case was potentially eligible for a sentence reduction under the retroactive guideline amendments. The screening committee was in agreement that the amendment applied to Mr. Ruiz's case. Mr. Ruiz's release date based on the original sentence was June 4, 2010. After the reduction from an offense level of 34 to 32, Mr. Ruiz was eligible for immediate release and was in fact released from federal custody on March 4, 2008, to serve (10) years of supervised release.

Mr. Ruiz immediately took steps to find gainful employment. In June 2008, he was hired by the City of Philadelphia to work for the Mayor's Office of Community Service [MOCS]. Mr. Ruiz was quickly promoted to the position of "crew chief" based on his dedication and efficiency. As a crew chief, Mr. Ruiz had his own vehicle and supervised a crew of five people. His responsibilities were to inspect vacant lots and issue fines for blighted properties. Mr. Ruiz was able to motivate his crew so much so that they were able to exceed their quota for the completion of work. On June 12, 2011, Mr. Ruiz was transferred to the "Clean and Seal" Unit of the Department of Licenses and Inspections [L & I]. Mr. Ruiz's responsibilities include cleaning and boarding up vacant and unoccupied properties. Mr. Ruiz has obtained his commercial driver's license as well as his forklift certification while with L & I. Due to

receiving his CDL, Mr. Ruiz is subject to random drug screens with the City of Philadelphia and they have all been negative. Mr. Ruiz has demonstrated initiative by taking additional promotional exams and he is on the waiting list for several positions that will advance his career with the City. The position that Mr. Ruiz is most interested in is truck driver and he is taking steps to secure such employment. In addition to Mr. Ruiz's positive employment strides since his release, he has been able to open a bank account, save money, build his credit, and purchase his first home in July 2012. Mr. Ruiz has been compliant with all aspects of his supervised release.

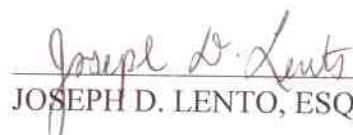
Mr. Ruiz's exemplary performance on supervised release warrants a reduction in his term in his term of supervised release. Accordingly, he respectfully moves this Court under Section 3583(e)(1) of Title 18 for early termination of his term of supervised release.

CONCLUSION

Mr. Ruiz has done very well on supervised release, has sustained no new arrests, has stable employment, has paid off his fines, and as of this date, has completed sixty-two months of his one-hundred twenty term of supervision without incident. For the foregoing reasons, Mr. Ruiz respectfully requests that the Court terminate his term of supervised release forthwith.

Dated: April 21, 2009

Respectfully submitted,

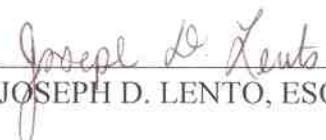


JOSEPH D. LENTO, ESQUIRE

CERTIFICATE OF SERVICE

I hereby certify that I mailed or hand delivered a true copy of this Motion to the United States Probation Office for the Eastern District of Pennsylvania and the United States Attorney's Office for the Eastern District of Pennsylvania on May 20, 2013.

Respectfully submitted,


JOSEPH D. LENTO, ESQUIRE

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA (PHILADELPHIA)**

UNITED STATES OF AMERICA,) Case No. 2:98-cr-00120-BMS-1
)
 Plaintiff,)
)
 vs.)
)
 EDWIN RUIZ,)
)
 Defendant.)
 _____)

ORDER

AND NOW, this _____ day of _____, 2013, pursuant to 18 U.S.C. Section 3583(e), and by agreement of the parties, it is hereby ORDERED that the Edwin Ruiz's supervised released is terminated.

BY THE COURT:

THE HONORABLE BERLE M. SCHILLER
United States District Court Judge